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Towards Peace in East Timor : The Sources of Hope Elsewhere

or

New Hope for East Timor -
from Creative Constitution Mongering Elsewhere

Developments in faraway places like Lithuania and Croatia and closer ones like Bougainville, the rebel province of Papua New Guinea which proclaimed itself the Republic of Micamui in May, may well make it possible for the long-standing deadlock between the Indonesian state and the nationalism of the East Timorese to be broken.

In the Soviet Union, Yugoslavia and Papua New Guinea multi-ethnic states are being destructured in far-reaching ways. In each case secessionist demands have gained new strength in recent years, for reasons to do with democratization and the diminished legitimacy of military and secret police power when used against popular movements.

But in all of these cases the international community is exercising strong pressure against actual secession. President Bush's reluctance to accord full support to Lithuanian independence seems a crucial demonstration of the emerging pattern. The world system is in effect saying "far-reaching autonomy yes, border change no".

If that stance is maintained, many of today's highly centralized states are likely to be destructured far-reachingly in the next decade. Indonesia is unlikely to be immune to the trend, which has indeed been prefigured in the recent reemergence of discussion of federalism, by [illegible]esian intellectuals who quote the country's founding Vice-President, Mohammad Hatta, in their cause.

**Ethnic-Nationalist Demands and the Soviet Example**

Secessionist pressures have grown stronger in many places in the last five years, not only in the USSR, Yugoslavia and Papua New Guinea but also in Morocco (the Western Sahara), Ethiopia (Eritrea, Tigray), the Sudan (the Black, predominantly Christian South), China (Tibet, Sinkiang), India (Kashmir), Burma (the Shans and Karens) and Indonesia (East Timor, West Irian). It is hard to think of any country where such pressures have grown weaker in these last five years.

The pacemaking role in this centrifugal trend is being played in the USSR. But are developments in Gorbachev's USSR not unique ? The breathtaking speed of events there certainly suggests that, as does the USSR's extraordinary combination of political ferment and renewal with economic deadlock and decline.

Inasmuch as the Soviet situation is genuinely revolutionary, it would indeed be unwise to expect its government's concessions to ethnic-nationalist demands to be a model for other societies.

But the Soviet situation is only partially revolutionary. For the Gorbachev state has important elements of stability too, not least because of the way it has become integrated into the world system - the consequence of its dependence on Western money and the way Gorbachev has chosen to hitch his star to public opinion in the outside world. To the extent that stability is a factor in the Soviet situation, this situation should not be seen as unique.

Whatever the strength of the uniqueness argument, it is clear that Gorbachev has made huge concessions to movements with secessionist aims. And he will probably need to confirm and extend these in the coming months and years. If this happens- and he and his centrist and globalist project survive -similar movements elsewhere will be emboldened and the governments concerned will be under pressure to grant new concessions. Many of them will be forced to grant more comprehensive forms of regional autonomy to keep their secession-minded regions from open revolt.

The Alternatives to Secession

The dynamics here are largely global. In this post-Cold War (or post-Second Cold War) world, most governments are acutely aware of their interdependence, and of new global challenges like the greenhouse effect and the ozone layer which require their cooperation with eachother. In this situation most governments, and powerful institutions like the World Bank and I.M.F., perceive an interest in the maintenance of present-day state boundaries.

Even in states with strong sympathies with particular secessionist movements -- e.g. the USA for the Baltic nationalisms -- these are usually outweighed by fear of an opening of Pandora's Box. It is not merely that the US, Japan and Western Europe want Gorbachev to survive because they fear worse chaos if he fell. They also fear that one major series of frontier adjustments could lead to overwhelming pressure for others, thus destabilizing the whole international system.

But that very situation gives these governments and government-related international institutions a potential interest in the fashioning of alternatives to secession, including quasi-state arrangements.

If this analysis is accurate, the early 1990s are likely to see many states experiment with quasi-state formulas in response to the demands of clamorous nationalist movements, most of them in border regions. We are likely to see more special regions, special autonomous zones and so on and probably also more free

association arrangements and confederations. Central governments which have hitherto insisted that they need to maintain consistency in relations with their provinces or member states are likely to drop that insistence. We may see many forms of blurring of the line between "sovereign" states and member states for which there is currently no precedent.

Nor are clamorous ethnic-nationalist movements the only major source of the pressure for constitutional experimentation in the early 1990s. The moves towards a more fully integrated European Community in 1992 are a second and moves towards the unification of hitherto ideologically divided nations are a third.

The prospect of German reunification has already generated a host of proposals for constitutional innovation of various kinds. Actual implementation of some of these proposals will presumably create precedents which are important for future China-Hongkong relations. And precedents set in Germany and China-Hongkong are likely to have significant relevance for China-Taiwan and South Korea-North Korea relations.

All of these trends towards constitutional experimentation are likely to contribute to the strengthening of international law and international judicial and quasi-judicial machinery.

Will the UN itself become involved in the search for new formulas for ethnic and regional autonomy and contractually delimited forms of sovereignty? That is hard to predict, as the great powers may well prefer to operate outside it. But there are certainly signs of new momentum in the cause of UN reform in this post Cold War period. And the UN is already involved through the role of the Decolonization Committee, of whose charges East Timor is now (since the decolonization of Namibia) the most populous.

The UN is also involved in the interesting case of the double ~~membership~~ membership of the Ukraine and Byelorussia (which goes back to a concession which the US and UK gave gave Stalin in the last years of World War 2). It is at least conceivable that the Baltic states (and perhaps also other members of the USSR) will be granted UN membership while remaining members of the Soviet Union.

East Timor and the United Nations

In East Timor the UN's involvement goes back to December 1975 when the Indonesian armed forces launched a major assault on the capital, Dili. Twenty months earlier the Caetano quasi-fascist government of Portugal had been overthrown by leftwing officers tired of losing wars in Mozambique, Angola and Guinea-Bissau.

This event kindled a rapid political awakening in Portuguese Timor. By the middle of 1974 three parties had been formed, the

Timorese Social Democratic Association (which later became the Liberation Front of East Timor, Fretilin), the more moderate and pro-Portuguese Timorese Democratic Union, U.D.T., and the smaller Association for the Integration of East Timor with Indonesia, Apodeti.

By August 1975 Fretilin, the most anti-Indonesian of these three, had emerged as the strongest. Moreover it had been radicalized, in response to the radicalization of politics in Lisbon, and especially because of the return from Lisbon of Timorese students with a Marxist orientation. Portugal, itself embroiled in revolutionary turmoil, made few serious attempts to control the direction of events in East Timor.

Soeharto's Indonesia found these developments alarming. Its initial response was to counter them by radio propaganda and intelligence operations. But these efforts served only to strengthen Fretilin's popular appeal and strengthen its anti-Indonesianism.

In October Indonesia began to use force on the West Timor-East Timor border. On November 27 the Fretilin leaders, by now the effective controllers of the Portuguese province, proclaimed the Democratic Republic of East Timor. Indonesia launched a full-scale invasion ten days later, apparently with promises of indulgence from Washington and Canberra.

This invasion was immediately condemned at the UN General Assembly. Leading the attack were the Portuguese ex-colonies and other radical Third World states and the USSR and China.

Anti-Indonesian resolutions were passed at this and six subsequent meetings of the General Assembly. Then in 1982 the Assembly instructed Indonesia and Portugal to negotiate their disagreement about the territory under the auspices of the UN Secretary-General.

These negotiations have continued fitfully to the present. Successive Portuguese Presidents and governments have expressed concern that self-determination should somehow be accorded to the East Timorese people. In the view of the Portuguese public, the East Timorese have been suffering grievously, and are continuing to suffer, as a result of events for which Portugal bears significant responsibility.

In the last two years there seems to have been some progress in the Indonesian-Portuguese negotiations, and Secretary-General Perez de Cuellar is reportedly anxious to be abe to report on them to the 1990 meeting of the General Assembly. Accordingly he has pressed Indonesia and Portugal to finalize plans for a long discussed on-the-spot inquiry into conditions in East Timor by a Portuguese parliamentary delegation representing various parties.

Such a delegation is due to visit East Timor for

approximately two weeks from late August, though some observers believe that plan could well be frustrated by further argument about the terms of the group's visit.

The ~~Free Association Possibilities~~ Strength of the Timorese Nationalists

But whether the Portuguese parliamentary delegation goes to Timor or not, the time is ripe for a new approach to peace making in East Timor which takes quasi-state and free association ideas as a point of departure.

The present situation is one in which the Timorese nationalists are fairly strong - and not only for reasons to do with trends operative in faraway countries like the USSR and Yugoslavia.

Xanana Gusmao, who emerged as Fretilin's key military commander in 1980-81 and now heads the military arm of a Fretilin-U.D.T. coalition, has succeeded in maintaining the guerrilla movement in the face of repeated Indonesian offensives. Thanks to that success, and to the vigorous diplomacy of Timorese representatives in many countries and international forums, the movements's claim has been kept on international agendas.

Moreover this claim has been strengthened in the 18 months since the Indonesian government's decision to open East Timor. This decision freed the territory from many of the special restrictions which had previously kept it isolated. It has resulted in much freer access for journalists and other visitors - and also in a large influx of non-Timorese traders and laborers, mainly from South Sulawesi.

The opening up has also given the Timorese nationalists an incentive to concentrate on urban political work rather than military resistance. In this way it created the conditions for the major anti-Indonesian demonstrations which took place at the time of Pope John Paul's visit in October 1989 and of the visit of the US Ambassador to Indonesia in January 1990.

These events in turn have generated new interest in East Timor among opinion leaders in Jakarta. Within the Indonesian government there has been a new willingness to ask hard questions about the roots of anti-Indonesian sentiment in East Timor. This led to the commissioning of a group of Yogyakarta academics who investigated conditions in East Timor in November-December 1989 and presented their frank findings to a high-level seminar in Dili in April.

Thanks to the opening up, Indonesian intellectuals now know more about what has been happening in East Timor than they did in the first 13 years of the occupation and war. Critics of the government have begun to ask well-informed questions about the continuing guerrilla resistance, the business rackets and the urban alienation from Indonesian authority in the area.

Oppositionists of several kinds have begun to search for ways in which the grievances of the East Timorese can be incorporated into their agendas - and indeed the grievances of Indonesian army members angry about the corruption, demoralization and needless loss of life that has been a routine part of the long war.

The Strength of the Indonesian State

But not all of the recent trends have favored the Timorese. Indeed the Soeharto state has become a more formidable adversary in recent years, mainly because of its economic successes. Its record of macro-economic success, which goes back to the late 1960s, has been significantly enhanced since 1987 by the way it has managed to attract new investors, diversify its exporting and raise its growth rate - by a series of reforms which were made necessary and possible by the mid-80s fall in oil and gas prices. In the words of the Far Eastern Economic Review, "despite oil slump, the economy booms". These are developments the East Timorese nationalists cannot afford to leave out of their calculations.

Moreover they cannot afford to leave the Irian factor out of their considerations. For Irian Jaya is a principal reason why the Soeharto government and any successor is unlikely to let East Timor become an independent state.

The parallels between the two areas are important. In Irian Jaya too a partly guerrilla-based nationalist movement has succeeded in maintaining itself in the face of persistent counter-insurgency operations. The UN was involved there too for many years, though its formal involvement ceased after the unhappy "Act of Free Choice" ("act of no choice"!) in 1969. Conceding independence to East Timor would set up strong demands for independence to be granted to Irian Jaya, which is larger, richer and seen as far more integral to Indonesian national identity.

Towards a Free Association Settlement

The free association idea has a great deal in common with independent statehood. It was accepted by the UN General Assembly as an acceptable alternative to it in a series of 1960s resolutions on decolonization.

How relevant is it to East Timor in the 1990s ? Where would the search for it begin ? One point of departure would be the proposal which the Dalai Lama presented to the European Parliament in 1988 and has recently reiterated, whereby Tibet would be independent of China in all matters other than foreign affairs and defence, which would remain under the legal authority of Beijing. This is similar to a proposal recently presented by Boris Yeltsin as President of the Russian Republic of the USSR.

It is also similar to a scheme considered by East Timor's Fretilin leadership in 1974-75.

Free association is in fact a highly flexible idea. The term is used in relation to Puerto Rico and several other areas previously under US direct control which were subsequently granted not statehood but "Commonwealth status". It is also used for the relationship of the Cook Islands to New Zealand. Older arrangements like those between San Marino and Italy, Monaco and France and Andorra and both France and the bishop of Urgel in Spain are also often described as involving free association.

There is great diversity among these relationships. Each one is based on a bargain dependent on particular circumstances and conditions. What they have in common is that the sovereignty of the smaller entity is seen as limited by a contract with the larger one.

The Moral Arguments

But is it right for outside sympathizers to advocate a settlement which many Timorese would see as a compromise which dishonors their many years of suffering and struggle? To this objection there is no easy answer. Noone can blame the Timorese for wanting 100% independence. Nor should one be surprised that most of them treat the East Timorese flag with reverence and see the Indonesian one as a symbol of oppression.

But the Timorese are all too aware that they are a small group of people and the Indonesians a very large one. Some of them say to Indonesians, "we readily admit that we are your younger siblings -- if only you would treat us as a good older sibling treats a younger one". The spirit of that remark is wholly compatible with a settlement based on free association.

The principal grievances of the Timorese are substantive rather than symbolic. They have to do with the persistence of war conditions in many parts of East Timorese society, with intimidation, suspicion, the forced abandonment of good agricultural land and the displacement of Timorese from civil servant positions and opportunities as traders and laborers.

Most of those grievances would be satisfied if the Indonesian army left the area and power over local affairs passed to an elected government, one based on an election in which all groups of East Timorese - including Fretilin (or the Convergence of Fretilin and the U.D.T.), the Catholic church and the groups around the Indonesian-appointed but nevertheless fairly popular governor, Mario Carrascalao - were able to compete freely.

Such an arrangement would presumably need to be formalized through a U.N. process of some kind. It would probably be most effectively sustained by international presences, possibly including Portugal and ASEAN as well as the UN as such.

That could conceivably be combined with the continued flying of the Indonesian flag (presumably alongside the East Timorese one), with the continued use of Indonesian currency, possibly also with the Jakarta government obtaining a fixed share of the earnings from East Timor's off-shore oil and the Indonesian navy and air force having rights to use base facilities in the territory.

For Indonesia these would be more than face-saving arrangements. They would represent significant insurance against an Irian Jaya trend for outright secession.

The specific proposals here should not be taken too seriously. They are based on speculation, much of which is likely to be mistaken. The actual features of a free association settlement would presumably be hammered out in protracted negotiations once the Indonesian government and the East Timorese nationalists had accepted the general case for free association principles.

Meanwhile the question is whether states like Portugal and Australia, and international organizations which have adopted positions on the East Timor issue, are willing to prompt moves in that direction.

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